

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 3 has been canceled, and claims 4, 7, 9, and 11 have been amended. Claims 1, 2, 4, and 7-11 are presented for reconsideration.

The Office Action objects to the specification because the status of parent application serial number 09/850,163 needs updated at page 1 of the specification. Applicants have amended paragraph [0001] of the specification to do so.

Applicants also have amended paragraph [0045] to correctly identify clips 210R, 210L.

Claims 1, 3, and 7 are rejected under 35 USC § 101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,666,473. Applicants have canceled claim 3. Applicants traverse this rejection as applied to claims 1 and 7. As stated in MPEP Section 804, “[a] reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent.” Claims 1 and 7 of the present application could be literally infringed without literally infringing claim 1 of U.S. Patent No. 6,666,473. For example, a stroller that lacks “a first pivot rod” as called for in claim 1 of U.S. Patent No. 6,666,473 could literally infringe claims 1 and 7 of the present invention, yet would not literally infringe claim 1 of U.S. Patent No. 6,666,473. Simply put, claims 1 and 7 of the present application do not claim the identical subject matter as claim 1 of U.S. Patent No. 6,666,793. Accordingly, applicants request withdrawal of the rejection of claims 1 and 7 under 35 USC § 101.

Claims 1, 2, 4, and 7-11 are rejected under 35 USC § 103(a) as unpatentable over Cone (USP 4,606,550) in view of Maxi-Cosi car seat photographs.

Claim 1 defines a stroller in which “the first arm [is] connected to the first front leg” and “the second arm [is] connected to the second front leg.” The Office Action states that Cone discloses arms 83, 85 that are connected to front legs 17, 19, respectively. FIG. 3 of

Cone, however, illustrates that arm 83 is not connected to front leg 17. Rather, when Cone's stroller is folded, arm 83 pivots away from front leg 17. For at least this reason, applicants submit that claim 1, and its dependent claims 2 and 4, are not obvious over Cone and the Maxi-Cosi car seat photographs under 35 USC § 103(a).

Claim 7, as amended, defines a stroller in which "the first seat support frame member [is] pivotable about a first pivot axis extending through the first front leg and the first seat support frame member, and the second seat support frame member [is] pivotable about a second axis extending through the second front leg and the second seat support frame member." As stated above, Cone's seat support frame 81, which includes frame members 83, 85, 86, 88, is not connected to front legs 17, 19, and thus, Cone's seat support frame members do not pivot about axes extending through the front legs and respective seat support frame members. For at least this reason, applicants submit that claim 7, and its dependent claims 8-11, are not obvious over Cone and the Maxi-Cosi car seat photographs under 35 USC § 103(a).

Applicants have amended claim 9 to make the language of that claim consistent with amended claim 7.

Applicants also have amended line 2 of claims 4 and 11 to change "at least slot" to "at least one slot," as properly identified in line 3 of those claims. The word "one" was inadvertently omitted from line 2 of original claims 4 and 11.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicants hereby petition for such extension under 37 CFR 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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